

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CRIMINAL REVISION NO. 32 OF 2019

(CORAM: R.E. ABURILI – J.)

DAVID ONYANGO ALUOCH.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Appeal against sentence and conviction in PMCRC

(S.O.) No. 384 of 2019 dated 3.9.2019 Before Hon. E. Wasike – S.R.M.)

COURT RULING

1. I have considered the application for sentence revision. I have also considered the circumstances under which the offence was committed, and the sentence review report filed on 22.7. 2019 by the Siaya Probation Officer, Mr. John Oyieko.
2. The Applicant was sentenced to serve 7 months imprisonment for the offence of assault causing actual bodily harm.
3. He is now remorseful and promises not to repeat the offence. He is married with four children who depend on him for a livelihood. He is a boda boda rider.
4. Having considered the plea by the Applicant/Convict who is seeking a short sentence in prison, I exercise discretion and revise the prison term imposed on the Applicant which is lawful and not excessive but that the Applicant can benefit the community by serving Community Service.
5. I order the Applicant/Convict David Onyango to serve Community Service at Bondo Law Courts for a period of three months from the date of his release from prison. He shall be directly supervised by the Executive Officer, Bondo Law Courts who shall ensure that the Applicant reports to perform unpaid work at the Bondo Law Courts and signs in the attendance register to be verified by the Senior Resident Magistrate.
6. Orders Accordingly.

Signed and Delivered at Siaya This 16th Day of SEPTEMBER, 2019.

R.E. ABURILI

JUDGE